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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,267	06/01/2006	Hirosuke Kawabata	062455	3159
38834 7590 12/23/2010 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER JACKSON, MONIQUE R				
ART UNIT 1787		PAPER NUMBER		
NOTIFICATION DATE 12/23/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentmail@whda.com

# Office Action Summary

## Application No.

10/581,267

## Applicant(s)

KAWABATA ET AL.

## Examiner

Monique R. Jackson

## Art Unit

1787

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-57 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 1-26 and 34-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-33, 57 and 59 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/5/10 has been entered.
2. Claim 58 has been canceled. New claim 59 has been added. Claims 1-57 and 59 are pending in the application. Claims 1-26 and 34-56 have been withdrawn from consideration. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 27-33, 57 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yano et al (WO03/085424, see English equivalent USPN 7,245,433 for below references) in view of JP 2-153904 (JP'904.) Yano et al teaches a protective film comprising a transparent film containing a thermoplastic resin (A) having a substituted and/or unsubstituted imide group at a side chain and a thermoplastic resin (B) having a substituted and/or unsubstituted phenyl group and a nitrile group at a side chain, wherein the transparent film has a thickness of generally 500

microns or less, preferably in the range of 1 to 300 microns, especially preferred from 5 to 200 microns, and is preferably biaxially stretched as in instant claim 59 (Abstract; Col. 3, lines 66-Col. 4, line 19.) Yano et al teaches that the thermoplastic resin (A) may be a glutar imido based thermoplastic resin as described in JP'904 wherein the glutar imido based resins have glutar imido structural units and methyl acrylate or methyl methacrylate structural units, and other vinyl based monomers previously mentioned by Yano et al such as styrene may be introduced also into the glutar imido based resins (Col. 6, lines 14-39.) Though Yano et al does not specifically teach the amount of the other vinyl based monomers that may be introduced into the glutar imido based resins, Yano et al teaches that the other vinyl based monomers may be introduced into other suitable thermoplastic (A) resins in an amount of 50 mole% or less and hence provides a suggestion to incorporate the same or similar amount, 50mole % or less, of the other vinyl based monomers, such as styrene (reads upon Formula 3 as well as the claimed weight percentages recited in Claims 27 and 57), in the glutar imido based resins having glutar imido structural units (reads upon Formula 1) and methyl (meth)acrylate structural units (reads upon Formula 2.) With regards to the content of glutar imido units and methyl (meth)acrylate units, JP'904 teaches that the methyl (meth)acrylate component is preferably provided in an amount of 0.5-10 times mol to the glutar imido component (Abstract), which would read upon the claims molar ratio recited in instant claim 30 when computed based upon the suggested content of up to 50 mol% of the styrene or other vinyl monomer as discussed above. With respect to Claims 28-29, Yano et al teaches that the composition of the transparent film is such that no birefringence is generated by stretch and hence the Examiner takes the position that the invention taught by Yano et al reads upon the claimed orientation birefringence given that zero falls within the claimed range or

would have been obvious based upon the teachings of Yano et al (Col. 4, lines 4-19.) With respect to Claim 32, Yano et al teaches that the Tg of the thermoplastic resin (A) is 80C or more, preferably 100C or more, and more preferably 130C or more (Col. 6, lines 25-31.) Yano et al also teaches that the protective film may be utilized on a polarizing plate as claimed (Col. 10) and though Yano et al in view of JP'904 does not specifically teach the claimed photoelastic coefficient of the imide resin, the Examiner takes the position that the imide resin taught by Yano et al in view of JP'904 which comprises the same repeating units as instantly claimed would exhibit a photoelastic coefficient in the same range as instantly claimed or would have been obvious to one having ordinary skill in the art at the time of the invention.

#### **Response to Arguments**

5. Applicant's arguments filed 11/5/10 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monique R. Jackson whose telephone number is 571-272-1508. The examiner can normally be reached on Mondays-Thursdays, 10:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Monique R Jackson/  
Primary Examiner, Art Unit 1787  
December 18, 2010